

REMARKS

Applicant submits this Amendment along with a three-month extension of time. Reconsideration and withdrawal of the rejections of the claims set forth in the Official Action of July 19, 2005 are respectfully requested in view of the preceding amendments and the following remarks.

Status of the Claims

Claims 1-19 are currently pending.

Claims 1-19 are rejected under 35 U.S.C. § 103(a)

Claims 1, 7, and 17 have been amended.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-10, 12, 13 and 17 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,032,125 to Ando (the “Ando” patent) in view of U.S. Patent No. 6,609,101 to Landvater (the “Landvater” patent). The rejection is respectfully traversed.

Claim 1 has been amended to recite a method for *estimating* sales volume of an item, comprising, *inter alia*, “collecting *sampled* sales data for a referenced period” and “collecting *sampled* sales data for a current sub-period of interest, the current sub-period of interest and collection of sampled sales data being later in time than the reference period.” Claim 17 recites a system for *estimating* sales volume of an item comprising, *inter alia*, “a data storage device coupled to said processor, said computer data device storing sales data from a plurality of retail points of sale, including *sampled* sales data for a reference period and *sampled* sales data for a day of interest, said day of interest and collection of sampled sales data being later in time than said reference period.”

Neither Ando nor Landvater disclose or suggest such a method or system. In particular, Ando does not disclose or suggest the collection of sampled sales data for two time periods, including a reference period and a sub-period of interest later in time than the reference period. Moreover, Landvater does not cure the deficiencies of Ando. As the Examiner points out, the POS system of Landvater is used “to update the perpetual inventory” (column 8, lines 13-21). Thus, Landvater is concerned with *actual* inventory levels, i.e., the “on-hand balance” and adjusting the on-hand balance by a sales forecast (column 14, lines 3-5). Landvater neither discloses nor suggests *sampling sales data* for a time period later than a reference period in order to provide an estimate of total sales for the time period. Thus claims 1 and 17 are not rendered obvious by the combination of Ando in view of Landvater. Claims 2-4, and 6 depend from claim 1 and are believed allowable at least for the reasons discussed above regarding claim 1.

Claim 7 has been amended to recite a method of estimating daily sales volume comprising, *inter alia*, “sampling sales data for a current day of interest, said sampling of sales data occurring at an offset in time from the reference sales history data.” Claim 12 recites “collecting sampled sales data for a reference week from a second plurality of sources, said reference week being offset in time from said current day by a predetermined time period.”

Ando does not disclose sampling occurring at an offset in time from the reference sales history data. Landvater does not cure the deficiencies of Ando. Although Landvater discusses use of a POS system to “update the perpetual inventory” (column 8, lines 13-21), Landvater neither discloses nor suggests “sampling of sales data occurring at an offset in time from the reference sales history data” as recited in claim 7. Accordingly, claims 7 and

12 are not believed obvious over Ando in view of Landvater. Claims 8-10 depend from claim 7 and are believed allowable over Ando in view of Landvater at least for the reasons discussed above. Claims 13 depends from claim 12 and are believed allowable over Ando in view of Landvater at least for the reasons discussed above.

It is respectfully requested that the rejection of claims 1-4, 6-10, 12, 13 and 17 under 35 U.S.C. §103(a) as being obvious over Ando in view of Landvater be withdrawn.

Claims 5, 11 and 19 are rejected under 35 U.S.C. §103(a) as obvious over Ando in view of Landvater and further in view of U.S. Patent No. 5,420,786 to Felthausen, et al. (the "Felthausen" patent). Claim 5 depends from claim 1 and is believed allowable at least for the reasons discussed above regarding claim 1. Claim 11 depends from claim 7 and are believed allowable at least for the reasons discussed above regarding claim 7. Claim 19 depends from claim 17 and is believed allowable at least for the reasons discussed above regarding claim 17. It is respectfully requested that the rejection of claims 5, 11 and 19 under 35 U.S.C. §103(a) as being obvious over Ando in view of Landvater and further in view of Felthausen be withdrawn.

Claims 14 and 18 are rejected under 35 U.S.C. §103(a) as obvious over Ando in view of Landvater and further in view of U.S. Patent No. 6,021,394 to Takahashi (the "Takahashi" patent). Claim 14 depends from claim 12 and is believed allowable at least for the reasons discussed above regarding claim 12. Claim 18 depends from claim 17 and is believed allowable at least for the reasons discussed above regarding claim 17. It is respectfully

requested that the rejection of claims 14 and 18 under 35 U.S.C. §103(a) as being obvious over Ando in view of Landvater and further in view of Takahashi be withdrawn.

Claims 15 and 16 are rejected under 35 U.S.C. §103(a) as obvious over Ando in view of Landvater, in further view of Takahashi and in further view of Felthauser. Claims 15 and 16 depend from claim 12 and are believed allowable at least for the reasons discussed above regarding claim 12. It is respectfully requested that the rejection of claims 14 and 18 under 35 U.S.C. §103(a) as being obvious over Ando in view of Landvater, further in view of Takahashi and further in view of Felthauser be withdrawn.

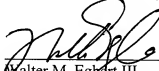
Conclusion

Based on the foregoing, Applicants submit that the present application is now in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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